

APPLICATION No. 1178

PERMIT No. 552

LICENSE No. 87

CALIFORNIA STATE WATER COMMISSION

THIS IS TO CERTIFY, That Charles Kuhn ASSIGNMENT MADE

of Chiles State of California made proof to the satisfaction of the STATE WATER COMMISSION of California of a right to the use of the waters of Old Rosenboom Mining Tunnel #1, a tributary of Soda Creek

for the purpose of Irrigation & domestic use under Permit No. 552 of the State Water Commission; and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the State Water Commission and the terms of said permit, and duly confirmed by order of the STATE WATER COMMISSION of California, made and entered of record in the minutes

of said Commission, at San Francisco, in Volume, at page, on the day of;

that the priority of the right hereby confirmed dates from February 13, 1919; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount

actually beneficially used for said purposes, and shall not exceed 3/40 cubic feet per second, to be

used from about April 1st to about October 1st of each year.

A description of the lands or the place where such water is put to beneficial use is as follows:

10 acres in the NW 1/4 of NE 1/4 Section 36 T. 8 N. R. 4 W. M.D.M.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of the Water Commission Act which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

WITNESS the seal and signature of the STATE WATER COMMISSION, affixed this

15th day of June, 1920

STATE WATER COMMISSION.

By Charles H. Lee

Executive Member

(Seal)

4/25/94 assigned to Diane L. Hines, et al

APPLICATION No. 533PERMIT No. 267LICENSE No. 88

CALIFORNIA STATE WATER COMMISSION

THIS IS TO CERTIFY, That George J. DeRoy Assigned to Mary Ellen DeRoy
 of Aetna Springs, State of California, has made proof
 to the satisfaction of the STATE WATER COMMISSION of California of a right to the use of the waters of

Creek originating in Butts (or, a tributary of James Creek
Balding Canyon)

for the purpose of Irrigation under Permit No. 267 of the
 State Water Commission; and that said right to the use of said waters has been perfected in accordance with the laws
 of California, the rules and regulations of the State Water Commission and the terms of said permit, and duly
 confirmed by order of the STATE WATER COMMISSION of California, made and entered of record in the minutes

of said Commission, at San Francisco, in Volume-----, at page-----, on the-----day of-----;

that the priority of the right hereby confirmed dates from December 13, 1916; that the amount
 of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount

actually beneficially used for said purposes, and shall not exceed 1/8 cubic feet per second, to be

used from about June 15 to about October 30th of each year.

A description of the lands or the place where such water is put to beneficial use is as follows:

10 acres of land located in SW¹ of SW¹ Sec. 32 T. 10 N. R.
5 W. M.D.M. and being a portion of lot 36 of subdivision of the
Ink Ranch in Pope Valley, Napa County

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein
 described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions
 set forth in Section 20 of the Water Commission Act which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective
 for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose
 for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions
 therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water,
 to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at
 any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal
 water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works
 and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under
 said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or
 political subdivision of the state so desiring to purchase and the said owner of said works and property can agree upon said pur-
 chase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it
 shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee,
 or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or
 beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said
 permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee as issued, then and in
 such case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and
 a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accord-
 ance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or
 set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be
 commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And
 every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions
 precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for
 any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this
 act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee
 or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to
 any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and
 county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of a
 permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a
 permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in
 right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of per-
 mission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes;
 and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of
 water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water
 commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and
 above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such tem-
 porary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility,
 subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date
 of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation per-
 mitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may do
 so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said pur-
 poses, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensa-
 tion, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law
 for determining the value of property taken by and through eminent domain proceedings.

WITNESS the seal and signature of the STATE WATER COMMISSION, affixed this

18th day of June, 1920.

STATE WATER COMMISSION.

By Charles H. Lee

Executive Member

(SEAL)

STATE OF CALIFORNIA
State Water Rights Board

1401 21ST STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

In the matter of

License 88 (Application 533)

SOCIETY OF THE DIVINE WORD,

Licensee

Source: Unnamed Creek

tributary to Butte Canyon

County: Napa

ORDER MODIFYING LICENSE BY REDUCING THE AMOUNT OF APPROPRIATION

WHEREAS License 88 was issued to George J. DeFoy and was filed with the County Recorder of Napa County on November 27, 1925, and

WHEREAS said license was subsequently assigned to and is now owned by Society of the Divine Word, and

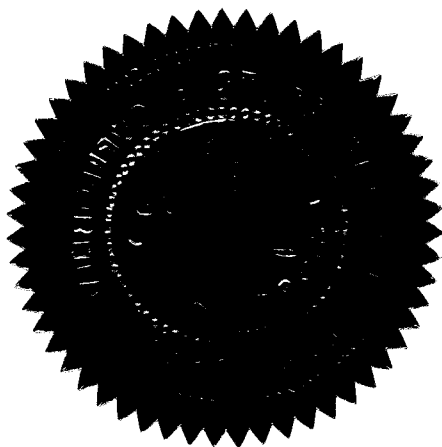
WHEREAS a field investigation has established to the satisfaction of the State Water Rights Board and it finds that licensee has ceased to put to beneficial use any of the water for which License 88 was issued except only 7000 gallons per day, and

WHEREAS said licensee has consented to a reduction of the amount of water specified by said license from one-eighth ($1/8$) cubic foot per second to seven thousand (7000) gallons per day;

NOW THEREFORE IT IS ORDERED that said License 88 be and the same is hereby modified by reducing the amount of appropriation from one-eighth ($1/8$) cubic foot per second to

SEVEN THOUSAND (7000) GALLONS PER DAY.

Adopted as the order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the 11th day of April, 1962.



Kent Silverthorne
Kent Silverthorne, Chairman

Ralph J. McGill
Ralph J. McGill, Member

W. A. Alexander
W. A. Alexander, Member

ORDER

APPLICATION 533PERMIT 267LICENSE 88ORDER ALLOWING CHANGE IN CHARACTER OF USE

Licensee having established to the satisfaction of the State Water Rights Board that the change in character of use under Application 533, Permit 267, License 88 for which petition was submitted on July 1, 1960, will not operate to the injury of any other legal user of water, the Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the character of use under said Application 533, Permit 267, License 88 to character of use as follows, to wit:

RECREATIONAL PURPOSES

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 6th day of October, 1960

L. K. Hill
L. K. Hill
Executive Officer



March

Additional

March 1
March 2
March 3
March 4
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March 29
March 30
March 31

April

L 88

5-11-27 Asgd to Mary Ellen DeFoy

4-26-83 Asgd to George K. Perkins